REMARKS

Claims 27-36 have been rejected under 35 USC 103(a) as unpatentable over Kennedy in view of newly cited Vallstrom. The rejection is respectfully traversed.

The invention solves the problem of not being able to send or receive calls at the mobile station while a mobile terminating location request (MT-LR) is in progress. This problem is solved in the instant invention by sending a network command, such as a direct transfer application part (DTAP) message or a radio resource location protocol request, to the mobile station. The command is sent to the mobile station while the location request is being processed, as illustrated in Figs. 2A and 2B. This enables a mobile originating request (MO) to originate and complete even in the presence of an ongoing MT-LR. In the conventional art, since a network command was not sent, an MO transaction could not occur until completion of the MT-LR, which could take up to and over 30 seconds in some cases. This prevented calls from being sent and received during that period.

The Examiner notes that Kennedy fails to "clearly disclose of sending a network command to the mobile station during processing of the mobile termination location request", but that Vallstrom discloses this feature. Vallstrom discloses an energy efficient object location reporting system, whereby a message is transmitted that result in initiating a location determination operation via an RF transceiver to a GSM network. A tracking device places at least the GSM engine into a reduced battery power consumption mode of operation. In one embodiment, a message transmitted by the location tracking device requests the location application server to cause the GSM network to initial a MT-LR operation for the tracking device. Referring to Fig. 3A and paragraph [0042] (cited by the Examiner), there is a signal flow diagram between various elements for the MT-LR, including a DTAP. However, the DTAP is nothing more than a call between the VMSC and tracking device with GSM engine. It is used, in part, to notify the movement sensor whether a tracking device is stationary or moving [see paragraph [0043]].

The DTAP command in the claimed invention, on the other hand, is a fake call control connection that originates in parallel to the MT-LR request in the VMSC (or RRLP) serving the MS. Significantly, the MS rejects or ignores the fake CC, but allows the MO request to be processed. To clarify this point, claims 27, 30, 32 and 35 have been amended to require

"enabling a mobile originated request or call to complete" during processing of the MT-LR. This clarifies that by virtue of sending the network command during processing of the MT-LR, an MO can still be processed and completed. Vallstrom fails to disclose this feature.

Moreover, Vallstrom is directed to a geolocation and method for locating a mobile appliance without regard to the wireless air interface protocol standard utilized by the mobile appliance (for example, paragraph [0014]), not to a method and system of enabling an MO to complete during processing of an MT-LR. Rather, Vallstrom uses one of the well known techniques described in the background of the invention to estimate a location, thereby determining whether to reduce energy consumption at the GSM. Hence, there is no reason the skilled artisan would combine this teaching with the Kennedy reference, nor would the combination teach the claimed invention even assuming *arguendo* there was a reason to combine.

Since the recited structure and method are not disclosed by the applied prior art, claims 27-36 are patentable.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No 118744-204.

Respectfully submitted,

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